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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,227	04/09/2004	Jurgen Baus	BAUS	1320
20151 7590 07/11/2008 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER				
TIV, BACKHEAN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/822,227

**Applicant(s)**

BAUS ET AL.

**Examiner**

BACKHEAN TIV

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12, 14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 1, 13 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 5/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

Claims 2-12,14,16 are pending in this application. Claims 1,13,15 have been cancelled. This is a response to the RCE filed on 5/1/08.

***Information Disclosure Statement***

The IDS filed on 11/30/07 have been considered, However DE 19904331, Profibus aus Wikipedia and Fluidtechnik were not considered because there were no English translation of those documents and/or concise explanation of the information.

***Claim Objections***

Claim 16 is objected to because of the following informalities:

Claim 16, recites "binary data transmission depending on the quality data depending on the quality data and ease of conversion", the Office assumes that this is a typo, and considers the limitation as, " binary data transmission depending on the quality data and ease of conversion".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-12,14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,785,730 issued to Taylor in view of US

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Publication 2001/0025322 issued to Song et al.(Song) in further view of US Patent 7,088,463 issued to Holcomb in further view of US Patent 7,035,634 issued to Mead et al.(Mead) in further view of US Publication 2002/0107910 issued to Zhao.

As per claim 11, Taylor a method for data transmission to access from a remote unit to at least one automation device(Abstract), comprising the steps of: transmitting the data between the remote unit and the at least one automation device by connecting a data conversion unit there between(Fig.1); exchanging the data between the at least one automation device and the data conversion unit and between the automation devices according to a first communication protocol(Fig.1, col.3, lines 27-38); exchanging the data between the data conversion unit and the remote unit according to a second communication protocol(Fig.1, col.5, lines 1-34); and causing the data conversion unit to convert the data according to the first communication protocol into the data according to the second communication protocol(Fig.1, col.5, lines 1-34).

Taylor does not explicitly teach a web server.

Song teaches a web server(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Taylor to include a web server as taught by Song in order to control devices through a web page(Song, para.0011).

One ordinary skill in the art would have been motivated to combine the teachings of Taylor and Song in order to provide a system to control non IP-based network devices with IP-based network devices(Song, para.0011).

Taylor in view of Song does not explicitly teach transmitting quality data in the first communication protocol, exchanging data among two or more automation device using exclusively binary data transmission and exchanging data between the at least one automation device and the data conversion unit by using, depending on the quality data and ease of conversion between the first and second communication protocol in the data conversion unit, either markup data transmission or binary data transmission, and exchanging data, depending on the quality data, between the data conversion unit and the remote unit with the second communication protocol by using one of the polling, and endless HTML page or a bidirectional HTTP communication.

Holcomb teaches multiple devices using binary data transmission(col.1, lines 5-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Taylor in view of Song to include exchanging data among two or more automation device using exclusively binary data transmission as taught by Holcomb in order to transfer different types of files.

One ordinary skill in the art would have been motivated to combine the teachings of Taylor, Song and Holcomb in order to transfer different types of files.

Mead teaches using selection criteria which includes the urgency of data in selecting an appropriate communication mode from among various options(col.3, lines 44-55). The Office considers markup data transmission or binary data transmission, which are well known to one ordinary skill in the art, as different types of communication modes.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Taylor in view of Song in view of Holcomb to include quality data, exchanging data between the at least one automation device and the data conversion unit by using, depending on the quality data and ease of conversion between the first and second communication protocol in the data conversion unit, either markup data transmission or binary data transmission, as taught by Mead in order to take certain criteria into consideration for transmission of data.

One ordinary skill in the art would have been motivated to combine the teachings of Taylor, Song, Holcomb, and Mead in order to take certain criteria into consideration for transmission of data.

Zhao teaches communicating using bidirectional HTTP(para.0012).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Taylor in view of Song in view of Holcomb in view of Mead to include exchanging data, depending on the quality data, between the data conversion unit and the remote unit with the second communication protocol by using one of the polling, and endless HTML page or a

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bidirectional HTTP communication as taught by Zhao in order to use web applications(Zhao, para.0002).

One ordinary skill in the art would have been motivated to combine the teachings of Taylor, Song, Holcomb, Mead and Zhao in order to use web applications(Zhao, para.0002).

As per claim 16, do not teach or further define over the limitations in claim 11 . Therefore claim 16 are rejected for the same reasons set forth above.

As per claim 2, the device of claim 16, and further comprising a data processing unit connected between the data conversion unit and the remote unit, so that the data conversion unit exchanges data with the remote unit via the data processing unit(Taylor, Fig.1).

As per claim 3, the device of claim 2, wherein the data processing unit includes a web server(Song, Abstract). Motivation to combine set forth in claim 1.

As per claim 4, the device of claim 2, and further including an operating and monitoring device connected between the data conversion unit and the data processing unit(Taylor, Fig.1, col.4, lines 34-67).

As per claim 5, the device of claim 2, wherein the data conversion unit comprises a communication DLL for converting the data that are transmitted from the at least one automation device according to the first communication protocol for further processing by the data processing unit, wherein the data processing

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unit exchanges data with the remote unit according to the second communication protocol(Taylor, Abstract, Fig.1, col.3, lines 27-47).

As per claim 6, the device of claim 4, wherein the data conversion unit comprises a communication DLL for converting the data that are transmitted from the at least one automation device according to the first communication protocol for further processing by the operating and monitoring device, wherein the data processing unit exchanges data with the remote unit according to the second communication protocol(Taylor, col.5, lines 1-67).

As per claim 7, the device of claim 2, and further comprising a data processing unit, wherein the data conversion unit is operatively connected with the data processing unit and the remote unit, so that the data conversion unit is configured as an expansion module of a standard browser installed on the data processing unit(Taylor, col.5, lines 1-67, Song, Abstract). Motivation to combine set forth in claim 11.

As per claim 8, the device of claim 7, wherein the expansion module is configured to be loadable via the Internet and couplable to the standard browser(Song, Abstract). Motivation to combine set forth in claim 1.

As per claim 9, the device of claim 16, and further comprising a data processing unit, wherein the data conversion unit is operatively connected with the data processing unit and the remote unit, so that the data conversion unit is configured as an application software module installed on the data processing unit(Taylor, Fig.1, col.5, lines 1-35).



As per claim 10, the device of claim 9, wherein the application software module is implemented as one of a database program, an Enterprise Resource Planning (ERP) program or a data history logging program(Taylor, Fig.1, col.5, lines 1-35).

As per claims 12, 14, wherein the quality data indicate information about significance of the data or information about urgency of the data to be transmitted, or a combination thereof(Mead, col.3, lines 44-55). Motivation to combine set forth in claim 11.

### ***Response to Arguments***

The applicant argues that the IDS must be considered because it meets the minimum requirements. The Office disagrees because the IDS **does not** provide a concise explanation of the relevance. The applicant states that there is a concise explanation of the information in the specification, however does not cite the pages; instead, refers to the IDS on page 2, para.4 and page 3, para.2 of the IDS. The citation merely list the references to be considered.

Applicant's arguments with respect to claims 2-14,16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings

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of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/B. T./

Backhean Tiv

Examiner, Art Unit 2151

7/8/08

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151